

9 FAM APPENDIX O, 1000 VISAS 93 (V93) OVERSEAS PROCESSING AT CONSULAR IVO PILOT POSTS WITH NO USCIS PRESENCE

(CT:VISA-1956; 02-05-2013)
(Office of Origin: CA/VO/L/R)

9 FAM APPENDIX O, 1001 V93 OVERSEAS PROCESSING AT NON CO-LOCATED USCIS POSTS

(CT:VISA-1956; 02-05-2013)

The steps below are followed only where there is not a USCIS presence co-located at post and the consular section is responsible for interviewing the beneficiary and verifying his or her eligibility for derivative status. Co-location means that there is a USCIS counter-presence that regularly sees the public. If USCIS is present at post, refer to 9 FAM Appendix O, 800.

9 FAM APPENDIX O, 1002 USCIS SERVICE CENTER PETITION ADJUDICATION

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- a. The principal refugee files a Form I-730, Refugee/Asylee Relative Petition, for each qualifying relative with the USCIS Service Center having jurisdiction over the petitioner's place of residence.
- b. The USCIS Service Center assigns an A-number to the beneficiary, completes TECS checks of the petitioner and beneficiary, and adjudicates the petition.
- c. If the case is approved and the beneficiary is located overseas, then the original hard-copy of the I-730 petition and supporting documents are sent to the National Visa Center (NVC) for onward processing. The packet sent to the NVC includes a Request for IBIS Query (ROIQ) which contains the listing of all known aliases for the I-730 beneficiary at the time of petition adjudication.

9 FAM APPENDIX O, 1003 NVC CASE PROCESSING

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- a. NVC receives the I-730 hard-copy file and manually creates a record of the case in IVIS, using the ZZ category for V93, Follow-to-Join Refugee. NVC inputs into the IVIS record the beneficiary aliases identified by the USCIS Service Center and listed on the ROIQ sheet accompanying the case.
- b. The petitioner and, if applicable, the representative of record are notified to submit to the NVC within 45 days relevant and readily available original civil documents in support of the I-730 petition confirming beneficiary's identity and relationship to the petitioner. These documents may include birth, marriage, divorce, or death certificates, adoption decrees, or documentation of any legal name change. Additionally, the NVC asks the petitioner to submit a copy of the biographic data page of the beneficiary passport (if available) and six beneficiary passport-sized photos. If the petitioner or representative submits documentation that is either incomplete or incorrect, the NVC will make one additional attempt to collect the correct information from him or her. If original documents are not readily available, the petitioner is instructed to notify the NVC so that the case can be transferred to post without further delay. If the NVC does not hear from the petitioner within 45 days, the NVC will proceed in transferring the case to post.
- c. Initial Consular Lookout and Support System (CLASS) checks are launched.
- d. The hard-copy of the file, which includes any original supporting civil documents submitted by the petitioner, is sent to post.
- e. NVC sends the petitioner and, if applicable, the representative of record a Notice of Case Transfer indicating that the case has been sent to USCIS overseas. NVC also instructs the petitioner to have the beneficiary schedule an interview with the consular section within 60 days, and directs the petitioner to resources on CAWeb outlining steps the beneficiary must take to prepare for the interview.

9 FAM APPENDIX O, 1004 OVERSEAS CASE PROCESSING

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- a. The consular section receives hard-copy and electronic case files from NVC and stamps the hard-copy file with the date the case is received at post.
- b. IVO is updated with the following case note: "Case received by post on <date>."
- c. Consular Interview Appointment Scheduling:
 - (1) Following the NVC instructions to the petitioner, the beneficiary contacts the consular section to schedule an interview appointment.

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- (2) If the beneficiary does not schedule his or her own interview appointment within 60 days as instructed in the NVC's Notice of Case Transfer letter sent to the petitioner, then you must send the beneficiary a Notice of Interview letter using the beneficiary contact information on record.
- (3) If the beneficiary does not appear for the interview as indicated on the Notice of Interview letter, then you must send him/her a Notice of Failure to Appear for Interview letter, copying the petitioner and, if applicable, the representative of record (9 FAM Appendix O, Exhibit XIII). This notice instructs the beneficiary or petitioner to contact the consular section within 45 days to schedule an interview appointment, otherwise the case will be returned via the NVC to a USCIS Service Center for further action.
- (4) If beneficiary, petitioner, and/or representative (if applicable) respond within 45 days, then you must schedule the beneficiary interview and remind the beneficiary of the requirements that he/she must complete before the interview, and any other post-specific information that the beneficiary must know.
- (5) If the beneficiary, petitioner, and/or representative (if applicable) do not respond to the Notice of Failure to Appear for Interview letter within 45 days, refer to 9 FAM Appendix O, 204.

d. Beneficiary Interview:

- (1) Following the NVC instructions to the petitioner, the beneficiary completes his or her medical examination before the interview.
- (2) The beneficiary arrives to the consular section on his or her scheduled interview date and biometrics are collected prior to the interview.
- (3) Please follow the Beneficiary Interview guidance in 9 FAM Appendix O, 206.
- (4) IVO is updated with case notes from the interview. If any notes were taken on the V93 Interview Worksheet it must be scanned into IVO. If applicable, IVO must also be updated with the following case note indicating that the case has been approved (pending clearances):
"The beneficiary <insert name> was interviewed on <date> and approved for travel."
- (5) The beneficiary is notified of the next steps on his or her case.
- (6) At the same time, you return any original documents. If the original documents must be retained for document verification or other investigation, inform the beneficiary that they will be returned at the time of travel packet issuance.

- e. Case Appears Approvable for Travel (When the Consular officer verifies identity and relationship and determines that the beneficiary is not subject to any bars to asylum, please see 9 FAM Appendix O, 200 for more details on Eligibility of beneficiaries.)

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- (1) Complete a copy of the V93 Notice of Conditional Approval to Travel (9 FAM Appendix O, Exhibit X).
- (2) You must return any original documents. If the original documents must be retained for document verification or other investigation, inform the beneficiary that they will be returned to the beneficiary at the time of travel packet return.
- (3) The beneficiary is sent to the International Organization for Migration (IOM) panel physician or other panel physician to complete his/her medical examination.
- (4) Once the medical examination report is complete, you complete and send the Refugee Processing Center's (RPC) V93 Biodata Form, a copy of the I-730 petition, and the RPC's Minor Questionnaire (if applicable) to the RPC via email at Visa93@wrapsnet.org. At the same time, you notify the RPC if the beneficiary has any Class A or Class B medical conditions. This notification initiates the request for a sponsorship assurance for the beneficiary.
- (5) When post receives the sponsorship assurance and Worldwide Refugee Admission Processing System (WRAPS) case number from the RPC, you enter the WRAPS number into the annotation field of the boarding foil.
- (6) You must complete all applicable checks (i.e., CLASS, Automated Biometric Identification System (IDENT), Integrated Automated Fingerprint Identification System (IAFIS), Facial Recognition (FR)), and Merlin SAO, as appropriate, and resolve any bars to admission before processing the boarding foil. If all security checks are clear, go to next step. If any derogatory information is returned, see Step 8.
- (7) If security checks are clear:
 - (a) You provide a copy of the sponsorship assurance to IOM and request transportation arrangements on an IOM-arranged flight once the case is ready for travel.
 - (b) Enter the beneficiary A-number into the annotation field of the boarding foil, issue the boarding foil and place it into the beneficiary's travel document or on the DS-232, Unrecognizable Passport and Waiver Cases, if no travel document is available. Note that V93s are not required to have a passport to travel.
 - (c) Prepare the travel packet according to 9 FAM Appendix O, Exhibit III and provide it, along with the beneficiary's travel document and boarding foil, directly to IOM.
 - (d) If you have retained any original documents for this case, place them in an envelope for the beneficiary. Original documents should not be included in the travel packet.
 - (e) IOM oversees beneficiary departure to the United States.

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- (8) If security checks return derogatory information they must be resolved in accordance with current guidance in 9 FAM Appendices A, G, and L:
 - (a) Review the information and determine applicability to I-730 beneficiaries per 9 FAM Appendix O, 207.
 - (b) If applicable, a Merlin SAO must be submitted. See 9 FAM Appendix G, 500 for clearance guidance.
 - (c) If hits are resolved then, as applicable, CLASS must be run again, and if there are no new hits or no applicable hits, then follow Step 7 above.
 - (d) If the beneficiary has any ineligibilities, persecutor bars, or has derogatory information which merits a discretionary denial (9 FAM Appendix O, 207), then you must update IVO and update the case notes to reflect that the case is not approved for travel.
 - (e) A Consular Return memo must be completed following the steps below.
- f. Case Not Approved for Travel (When the Consular officer denies the beneficiary approval for travel, the below steps are followed.)
 - (1) If the beneficiary's identity and qualifying relationship with the petitioner cannot be established follow step 2 below. If they are established, but he or she is subject to an inadmissibility for which a waiver is available, then you should recommend that he/she file an I-602, Application by Refugee for Waiver of Grounds of Excludability.
 - (a) If the I-602 is approved by USCIS, then follow step e. above for cases approvable for travel.
 - (b) If no waiver is available or the I-602 waiver is denied, then see Step 2 below.
 - (i) IVO is updated with the following case note indicating that the beneficiary is not approved for travel and that the case is being returned through the consular return process to the NVC:

"The beneficiary was interviewed on <date> and was not approved for travel. A Consular Return memo was drafted on <date>, and the case is returning to NVC via consular return process."
 - (ii) You must prepare the Consular Return memo per 9 FAM Appendix O, 209.
 - (iii) You must also prepare and sign Notice of Ineligibility to Travel letter and give the original to the beneficiary (9 FAM Appendix O, Exhibit V).
 - (iv) Both the Consular Return memo and the Notice of Ineligibility to Travel letter must be scanned into IVO.

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- (v) If you have retained any original documents for this case, place them in an envelope for the beneficiary.
- (vi) In IVO the case must be set to 'Transfer to NVC' status, and the hard-copy file must be returned to the NVC.
- (vii) NVC forwards the case to the appropriate USCIS Service Center to issue a possible Notice of Intent to Deny.

9 FAM APPENDIX O, 1005 INTERVIEW SCHEDULING ISSUES OR FAILURE TO APPEAR

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- a. If the beneficiary, petitioner, and/or representative (if applicable) do not respond after each of the following steps have been completed, then you must prepare a Consular Return memo, indicating that the beneficiary failed to appear for interview and citing all the attempts made to contact the beneficiary, petitioner, and/or representative (if applicable).
 - (1) NVC Notice of Case Transfer;
 - (2) Notice of Interview (sent by consular section); and
 - (3) Notice of Failure to Appear for Interview (sent by consular section).

NOTE: If at any point the beneficiary, petitioner and/or representative (if applicable) contacts the consular section to try to schedule or reschedule an interview, you should make every attempt to schedule the beneficiary interview.

- b. You must also prepare a Notice of Case Transfer which indicates that the case is being returned via the NVC to the USCIS Service Center for further possible action.
- c. You must scan copies of both the Consular Return memo and the Notice of Case Transfer letter into IVO.
- d. You must update IVO with the following case note indicating that the beneficiary failed to appear for interview and that the case is being returned through the consular return process to NVC:

"The beneficiary failed to appear for interview. A Consular Return memo was drafted on <date>, and the case is being returned to NVC via consular return process."
- e. Following local procedures, you must send the Notice of Case Transfer to the beneficiary, with a cc to the petitioner.
- f. You must return the hard-copy case file – including any original documents collected from the petitioner by the NVC – and the Consular Return memo to NVC.
- g. In IVO the case must be set to 'Transfer to NVC' status, and the hard-copy file

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must be returned to the NVC.

- h. NVC will forward the case to the appropriate USCIS Service Center for further action.